

ENCLOSURE 1
CLEAN WATER ACT (CWA) SECTION 308 INFORMATION REQUEST

I. Instructions

1. **Peabody** Mining Co. must submit all information in response to this Information Request in the format requested for all items other than the Biological and Water Quality Survey Plan and Report within 60 days from the date this letter is received.
2. **Peabody** Mining Co. must submit the Biological and Water Quality Survey Plan within 90 days from the date this letter is received.
3. **Peabody** Mining Co. must submit the Biological and Water Quality Survey Report within 180 days from the date that the Biological and Water Quality Survey Plan is approved.
4. Please provide a signed written confirmation, via fax or email attachment (pdf), to Janet Pellegrini, National Pollution Discharge Elimination System Programs Branch, within 48 hours of receipt of this Information Request, of your intention to comply with this request.
5. Identify the person(s) responding to each Information Request.
6. All documents responsive to the Information Request should be provided in electronic format.
7. Respond to all requests using the following formats, as appropriate: MS Word Document, MS Excel Spreadsheet, MS Access Database, Geographic Information System (GIS) data, Adobe Acrobat Reader PDF format, or pictures and images in JPEG format.
8. For data that is requested in tables, the data shall be accumulated and organized into a clearly labeled and annotated MS Excel Spreadsheet. The spreadsheet should be formatted so that it can be printed on an 8.5" x 11" sheet of paper. The spreadsheet can be formatted to print on an 8.5" x 14" or 11" x 17" sheet of paper if doing so offers additional clarity.
9. All records and documents that you create and/or rely upon in responding to any part of this request must be maintained until EPA informs you in writing that maintenance is no longer required.
10. Provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request. Precede each answer with the text and the number of the Information Request and its subpart to which the answer corresponds.
11. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
12. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Information Request and its subpart to which it responds.
13. Where specific information has not been memorialized in a document, but is nonetheless responsive to an Information Request, you must respond to the Information Request with a written response.
14. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
15. If you have reason to believe that there may be persons able to provide a more detailed or

complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

16. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misleading, you must notify EPA thereof as soon as possible.
17. Your response to this Information Request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. Enclosure 2 provides a Statement of Certification for this purpose.
18. All information submitted pursuant to this Information Request must be submitted to:

U.S. Environmental Protection Agency – Region 5
 Attention: Janet Pellegrini
 National Pollution Discharge Elimination System Programs Branch, WN-16J
 77 West Jackson Boulevard
 Chicago, IL 60604
 pellegrini.janet@epa.gov
 312-886-4298 (phone)
 312-692-2436 (fax)

II. Definitions

All terms used in this Information Request that are not defined below shall be defined as they are defined in Section 502 of the CWA, 33 U.S.C. § 1362, and regulations at 40 CFR § 122.2. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Information Request:

1. “Document” includes as any writings, drawings, graphs, charts, photographs, phone records, field records, operation logs/notes/field rounds sheets, electronic mail, facsimile, Supervisory Control and Data Acquisition (SCADA) information, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
2. “Identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
3. “Identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
4. “Identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership), if any, and a brief description of its business.

5. "Mining operation" shall mean the following: any surface and/or underground mine, a coal processing and preparation plant, a coal transportation facility, and all associated operations.
6. "NPDES" or "NPDES Permit" shall mean National Pollutant Discharge Elimination System permit or any state permit issued pursuant to the NPDES program that Indiana is authorized to administer.
7. "Process water" means water (including storm water) that comes in contact with coal preparation plants and associated areas and active and post mining areas, and includes pre-existing discharges resulting from mining activities that have been abandoned prior to the time of a remining permit application.
8. "Point source" means any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container.
9. "Section 404 permit" shall mean a permit for dredge or fill activity issued by the Army Corps of Engineers.
10. "SMCRA" or "SMCRA Permit" shall mean any permit issued by Federal or State entities pursuant to the Surface Mining Control and Reclamation Act.
11. "State" means the State of Indiana.
12. "Wetlands" shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
13. "You" and "your" shall mean Peabody Mining Co. and/or any company, entity, or corporation that has directed work at an Peabody Mining Co. mining operation.

III. Information Requests

1. Identify the full legal name(s) of you or your company. Identify the state of incorporation, the principal place of business and provide the name and mailing address of the registered agent for each state in which the company does business. If there is a parent company, please list the name and address of the parent.
2. Provide the following information for each mine operating in the Busseron Creek watershed:
 - A. Provide the date that mining operations began.
 - B. Provide the primary Standard Industrial Classification (SIC) code(s).
 - C. Provide a list of permits, including SMCRA, NPDES and Section 404 permits, in effect at any time during the five-year period preceding the date of receipt of this letter, and include the permit number, date of coverage, and receiving water(s).
 - D. Provide a map which identifies all process water discharge locations and, where applicable, associated outfall numbers and all biological and water chemistry sampling locations.
 - E. Provide all analytical results, including sampling results generated by any laboratory under contract to Peabody Mining Co., or by Peabody Mining Co. employees, for any monitoring of any of the discharges in the last five years from the date of receipt of this letter, to the present, including monitoring for NPDES and/or SMCRA permits. Include all effluent sampling results completed by or on behalf of Peabody

- Mining Co., regardless of whether or not the data was submitted to any regulatory agency.
- F. Provide copies of all Discharge Monitoring Reports (DMRs) submitted to any regulatory agency covering the period of the last five years from the date of receipt of this letter, performed under any permit or otherwise and keyed to the map and table required in items 5.E. and 5.F., above.
 - G. Provide a copy of all biological and water chemistry monitoring results other than sampling results provided under 5.P., above, prepared by you or on your behalf and keyed to the map required in item 5.E., above.
3. Conduct a water quality survey of the Busseron Creek watershed (determine what if any limitations should be placed herein regarding extent of analysis per this site and its nearby sites). All chemical, physical, and biological field, EPA laboratory, data processing, and data analysis methods and procedures adhere to those specified in:
 - A. Indiana Department of Environmental Management Office of Water Quality Assessment Branch Summary of Protocols: Probability Based Site Assessment. (Fish sampling protocol)
<http://monitoringprotocols.pbworks.com/f/IDEM+sum+of+protocols.pdf>
 - B. Macroinvertebrate sampling:
 Multi-habitat (MHAB) Macroinvertebrate Collection Procedure (S-001-OWQ-W-BS-10-T-R0), Technical Standard Operating Procedure, Office of Water Quality, Watershed Planning and Assessment Branch, Biological Studies Section, October 30, 2010.
<http://monitoringprotocols.pbworks.com/f/S-001-OWQ-W-BS-10-S-R0.pdf>
 - C. Surveys Section Field Procedures Manual. IDEM Office of Water Quality Assessment Branch Surveys Section. DRAFT June 2002. (Surface water sampling)
<http://monitoringprotocols.pbworks.com/f/IDEM+SurveysSOP2002.pdf>
 - D. Qualitative Habitat Evaluation Index (QHEI); Rationale, Methods, and Application (Rankin 1989) for habitat assessment, and
 - E. Biological Studies Section Qualitative Habitat Evaluation Index (QHEI). IDEM Office of Water Quality Assessment Branch Biological Studies Section 12/11/2006.S-001-OWQ-A-BS-06-S-R1.
<http://monitoringprotocols.pbworks.com/f/IDEM+QHEI+SOP.pdf>
 4. Prior to conducting the Biological and Water Quality Survey, develop a survey plan including sampling locations, sampling methods to be used, timing of the Survey, laboratories which are proposed to be used, test methods that will be specified and identification of certified personnel (see item 7 below) to be employed for the Survey. Plan shall be drafted in accordance with xxxx placeholder for any Indiana data collection guidelines.
 5. The biological and water quality survey shall include the following elements:
 - A. Stream Habitat Evaluation
 Physical habitat shall be evaluated using the Qualitative Habitat Evaluation Index (QHEI) developed by the IDEM for streams and rivers in Indiana (see 3 E above).
 - B. Biological Community Assessment
 Macroinvertebrates will be collected from artificial substrates and from the natural habitats. At the time of the artificial substrate collection, a qualitative multi-habitat

composite sample is also collected. Fish will be sampled at each sampling location with pulsed DC current. Detailed biological sampling protocols are documented in the Indiana above referenced sampling protocol documents (see 3A and 3B above).

- C. Sediment
Fine grained multi-incremental sediment samples will be collected in the upper 4 inches of bottom material. Sampling and decontamination protocols will follow those listed in the [Indiana??? xxxSediment Sampling Guide and Methodologies?????](#).
 - D. Surface Water
Surface water grab samples will be collected from the upper 12 inches of surface water into appropriate containers. [Water sample collection will be in accordance with appropriate methods, as outlined in Surveys Section Field Procedures Manual. IDEM Office of Water Quality Assessment Branch Surveys Section. Draft June 2002. \(see 3C above\). Field measurements of dissolved oxygen, pH, temperature, and conductivity will be made using YSI 556MPS meters along with all grab samples for surface water chemistry.](#) Datasonde© continuous recorders will be placed at select locations to evaluate diurnal measurements of dissolved oxygen, pH, temperature, and conductivity.
 - E. Bacteria
Water samples will be collected and analyzed for *E. coli* bacteria using U.S.EPA approved methods (STORET Parameter Code 31648).
 - F. Field Quality Control Samples
Ten percent of the sediment, water, and bacteria samples will be collected as field duplicates. [One Datasonde© recorder site will have two instruments placed in the river as field duplicates. Field blanks will occur at a minimum of 5 percent of the water samples. Field instruments will be calibrated daily, using manufacturer guidelines and requirements noted in the refer to applicable Indiana \(IDEM\) document/ guidance for Surveillance Methods and Quality Assurance Practices \(Indiana reference here\).](#) Matrix spike duplicates will be collected for organic water samples at a minimum of 5 percent.
6. Provide a biological and water quality survey report of the Busseron Creek watershed. The report must rise to the level of quality of the reports generated by the [Indiana Department of Environmental Management and Biological and Water Quality Survey Reports produced by the Indiana DEM.](#)
7. [Data shall be collected in accordance with xxx ?? Indiana data collection guidelines, found at xxxxxxxx](#)
- A. [Data shall be generated according to XXXX data collection rules, outlined in xxxxxx Indiana data collection detailed reference \(IAC?\).](#)
 - B. [In accordance with IAC ?????, a Qualified Data Collector certified to collect Level xx Credible?? data must be used.](#)

ENCLOSURE 2**STATEMENT OF CERTIFICATION**

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify its truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)